

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DIEDRE WYNN,

Plaintiff,

DECISION AND ORDER

96-CV-6307L

v.

WEGMANS FOOD MARKETS, et al.,

Defendants.

Litigation in this case must end now! Familiarity with the lengthy background of this case is presumed.

Plaintiff's lawsuit was settled in September 1998, nine years ago, and plaintiff has consistently refused to accept the settlement check that has been presented to her by defendants. No good reason has been presented for plaintiff to fail to carry out the terms of the settlement agreement.

Eventually, plaintiff moved to compel enforcement of the settlement and for sanctions and defendants cross-moved for sanctions. This Court referred the motions to United States Magistrate Judge Jonathan W. Feldman pursuant to 28 U.S.C. § 636(b). Magistrate Judge Feldman issued a thorough Report and Recommendation (Dkt. # 54) recommending granting plaintiff's motion to enforce the settlement, in part, denying both parties cross-motions for sanctions.

Both parties responded to Magistrate Judge Feldman's Report and Recommendation by letters. In plaintiff's letter, she essentially agreed with Magistrate Judge Feldman's Report and

Recommendation but, once again, requested that defendants provide "proper tax documents." Defendants responded demonstrating that they had, on several occasions, sent plaintiff the requisite documents, including the W-2 Form.

There is no basis to order Wegmans to once again submit forms that plaintiff has received, at least on several occasions over the past years.

Therefore, based on the above, I accept and adopt the Report and Recommendation of United States Magistrate Judge Jonathan W. Feldman in all respects, and I see no reason to modify or add any further requirements than those that he ordered. I remind plaintiff, as did Magistrate Judge Feldman, that although sanctions were not entered at this time, this case has been litigated long enough and has required judicial intervention on several occasions when none should have been required.

CONCLUSION

The Court accepts and adopts in all respects the Report and Recommendation of United States Magistrate Judge Jonathan W. Feldman (Dkt. # 54). Plaintiff's motion to compel is granted in part and denied in part. It is denied to the extent the motion seeks to require defendant Wegmans to issue further documentation concerning sums deducted from the \$10,000 settlement. Plaintiff's motion to compel is denied to the extent she objects to tax withholdings and it is also denied as to her request for interest. Both parties cross-motions for sanctions are denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
October 11, 2007.